

# SENATE JOURNAL

OF THE

## IDAHO LEGISLATURE

SECOND REGULAR SESSION  
SIXTY-THIRD LEGISLATURE

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**FORTIETH LEGISLATIVE DAY  
FRIDAY, FEBRUARY 19, 2016**

Senate Chamber

President Little called the Senate to order at 10:30 a.m.

Roll call showed all members present except Senator Buckner-Webb, absent and formally excused by the Chair; and Senator Rice, absent and excused.

Prayer was offered by Father John Worster.

The Pledge of Allegiance was led by Aleena Follett, Page.

The Senate advanced to the Third Order of Business.

### Reading and Correction of the Journal

The JUDICIARY AND RULES Committee reports that the Senate Journal of the proceedings of February 18, 2016, was read and approved as corrected.

LODGE, Chairman

There being no objection, the report was adopted and ordered filed in the office of the Secretary of the Senate.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Sixth Order of Business.

### Reports of Standing Committees

February 19, 2016

The JUDICIARY AND RULES Committee reports that [S 1343](#) has been correctly printed.

LODGE, Chairman

[S 1343](#) was referred to the Judiciary and Rules Committee.

February 18, 2016

The EDUCATION Committee reports out [S 1291](#) with the recommendation that it be referred to the Fourteenth Order of Business for amendment.

MORTIMER, Chairman

There being no objection, [S 1291](#) was referred to the Fourteenth Order of Business, General Calendar.

February 18, 2016

The EDUCATION Committee reports it has had under consideration the Gubernatorial appointment listed below and the Committee recommends that said appointment be confirmed by the Senate:

Emma Lou Atchley to the State Board of Education, term to expire July 1, 2020.

MORTIMER, Chairman

The Gubernatorial appointment was referred to the Tenth Order of Business, Motions and Resolutions, and ordered held at the Secretary's desk for one legislative day.

February 19, 2016

The STATE AFFAIRS Committee reports out [HCR 42](#) with the recommendation that it do pass.

MCKENZIE, Chairman

[HCR 42](#) was referred to the Tenth Order of Business, Motions and Resolutions, and ordered held at the Secretary's desk for one legislative day.

Senator Rice was recorded present at this order of business.

February 19, 2016

The LOCAL GOVERNMENT AND TAXATION Committee reports out [H 431](#) with the recommendation that it do pass.

SIDDOWAY, Chairman

[H 431](#) was filed for second reading.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Eighth Order of Business.

### Messages from the Governor

February 18, 2016

The Honorable Brad Little  
President of the Senate  
Idaho Legislature

Dear Mr. President:

I have the honor to inform you that Susan Elizabeth Buxton of Boise, Idaho, was appointed as the Administrator of the Division of Human Resources to serve a term commencing March 1, 2016. Under Idaho law Administrator Buxton serves at the pleasure of the Governor; however, pursuant to Idaho Code 59-904, under no circumstances shall her appointment extend beyond the Governor's term.

This appointment was made subject to confirmation by the Senate. Notice of appointment is hereby given.

As Always - Idaho, *Esto Perpetua*  
/s/ C.L. "Butch" Otter  
Governor

The correspondence was ordered filed in the office of the Secretary of the Senate.

The Gubernatorial appointment was referred to the Commerce and Human Resources Committee.

The Senate advanced to the Ninth Order of Business.

### Messages from the House

February 18, 2016

Dear Mr. President:

I transmit herewith [H 486](#), [H 452](#), and [H 439](#), which have passed the House.

ALEXANDER, Chief Clerk

[H 486](#), [H 452](#), and [H 439](#) were filed for first reading.

February 18, 2016

Dear Mr. President:

I return herewith Enrolled [S 1206](#), [S 1207](#), [S 1197](#), [S 1216](#), [S 1217](#), [S 1210](#), [S 1233](#), [S 1215](#), and [S 1213](#), which have been signed by the Speaker.

ALEXANDER, Chief Clerk

Enrolled [S 1206](#), [S 1207](#), [S 1197](#), [S 1216](#), [S 1217](#), [S 1210](#), [S 1233](#), [S 1215](#), and [S 1213](#) were referred to the Judiciary and Rules Committee for transmittal to the Office of the Governor.

February 18, 2016

Dear Mr. President:

I return herewith Enrolled [SCR 133](#), which has been signed by the Speaker.

ALEXANDER, Chief Clerk

Enrolled [SCR 133](#) was referred to the Judiciary and Rules Committee for transmittal to the Office of the Secretary of State.

The Senate advanced to the Tenth Order of Business.

### Motions and Resolutions

[S 1225](#) having been held at the desk for possible reconsideration of the vote by which it passed the Senate, and no motion for reconsideration having been received, [S 1225](#) was ordered transmitted to the House.

The Senate advanced to the Eleventh Order of Business.

### Introduction, First Reading, and Reference of Bills, House Petitions, Resolutions, and Memorials

#### S 1344

#### BY STATE AFFAIRS COMMITTEE

##### AN ACT

RELATING TO FISH AND GAME; AMENDING SECTION 36-104, IDAHO CODE, TO REVISE PROVISIONS REGARDING CONTROLLED HUNTS; AND AMENDING CHAPTER 1, TITLE 36, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 36-104A, IDAHO CODE, TO PROVIDE FOR CONTRACTS WITH PRIVATE ENTITIES TO CONDUCT DRAWINGS FOR CONTROLLED HUNT PERMITS AND TAGS, TO PROVIDE A PROCEDURE AND TO PROVIDE FOR RULEMAKING.

#### S 1345

#### BY STATE AFFAIRS COMMITTEE

##### AN ACT

RELATING TO INSURANCE PRODUCER LICENSING; AMENDING SECTION 41-1016, IDAHO CODE, TO PROVIDE A CAUSE OR VIOLATION FOR THE DIRECTOR OF THE DEPARTMENT OF INSURANCE TO SUSPEND, REVOKE OR REFUSE TO ISSUE OR CONTINUE A PRODUCER LICENSE.

#### S 1346

#### BY STATE AFFAIRS COMMITTEE

##### AN ACT

RELATING TO STATE EMPLOYEE HEALTH PLANS; AMENDING SECTION 67-5761B, IDAHO CODE, TO CLARIFY THAT THE DEPARTMENT OF ADMINISTRATION SHALL OFFER A HEALTH SAVINGS ACCOUNT PROGRAM, TO PROVIDE FOR A HEALTH SAVINGS ACCOUNT ADMINISTRATOR AND TO PROVIDE THAT STATE EMPLOYERS SHALL DEPOSIT A CERTAIN AMOUNT INTO A HEALTH SAVINGS ACCOUNT; AND PROVIDING AN EFFECTIVE DATE.

#### S 1347

#### BY STATE AFFAIRS COMMITTEE

##### AN ACT

RELATING TO TAX DEED SALES; AMENDING SECTION 31-808, IDAHO CODE, TO TRANSFER THE AUTHORITY AND RESPONSIBILITY OF HANDLING EXCESS PROCEEDS FROM TAX DEED SALES TO THE STATE TREASURER.

#### S 1348

#### BY STATE AFFAIRS COMMITTEE

##### AN ACT

RELATING TO TAX DEEDS; PROVIDING LEGISLATIVE INTENT; AMENDING SECTION 43-720, IDAHO CODE, TO PROVIDE FOR TAX DEED PURPOSES THAT THE TERM "ENCUMBRANCES" DOES NOT INCLUDE EASEMENTS, HIGHWAYS AND RIGHTS-OF-WAY; AMENDING SECTION 50-1823, IDAHO CODE, TO PROVIDE FOR TAX DEED PURPOSES THAT THE TERM "ENCUMBRANCES" DOES NOT INCLUDE EASEMENTS, HIGHWAYS AND RIGHTS-OF-WAY; AMENDING SECTION 63-1009, IDAHO CODE, TO PROVIDE FOR TAX DEED PURPOSES THAT THE TERM "ENCUMBRANCES" DOES NOT INCLUDE EASEMENTS, HIGHWAYS AND RIGHTS-OF-WAY; AND DECLARING AN EMERGENCY.

#### S 1349

#### BY STATE AFFAIRS COMMITTEE

##### AN ACT

RELATING TO THE IDAHO UNBORN INFANTS DIGNITY ACT; AMENDING TITLE 39, IDAHO CODE, BY THE ADDITION OF A NEW CHAPTER 93, TITLE 39, IDAHO CODE, TO PROVIDE A SHORT TITLE, TO PROVIDE LEGISLATIVE FINDINGS AND PURPOSE, TO DEFINE TERMS, TO PROVIDE FOR FINAL DISPOSITION OF CERTAIN REMAINS, TO PROVIDE FOR CERTAIN FETAL DEATH CERTIFICATES, TO PROVIDE PROHIBITIONS, TO REQUIRE INFORMED CONSENT FOR EXPERIMENTATION UNDER CERTAIN CIRCUMSTANCES, TO ESTABLISH CRIMINAL PENALTIES, TO PROVIDE DUTIES OF THE ATTORNEY GENERAL AND PROSECUTING ATTORNEYS, TO PROVIDE FOR CERTAIN CIVIL AND ADMINISTRATIVE

# ACTIONS AND TO PROVIDE FOR STATUTORY CONSTRUCTION; AND PROVIDING SEVERABILITY.

[S 1344](#), [S 1345](#), [S 1346](#), [S 1347](#), [S 1348](#), and [S 1349](#) were introduced, read the first time at length, and referred to the Judiciary and Rules Committee for printing.

[H 486](#), by Business Committee, was introduced, read the first time at length, and referred to the Commerce and Human Resources Committee.

[H 452](#), by Education Committee, was introduced, read the first time at length, and referred to the Education Committee.

[H 439](#), by Judiciary, Rules, and Administration Committee, was introduced, read the first time at length, and referred to the Judiciary and Rules Committee.

The Senate advanced to the Twelfth Order of Business.

## Second Reading of Bills

[S 1235](#) and [S 1255](#), by Judiciary and Rules Committee, were read the second time at length and filed for third reading.

[H 428](#), [S 1266](#), and [S 1267](#), by Education Committee, were read the second time at length and filed for third reading.

[H 346](#), [H 357](#), and [H 386](#), by Revenue and Taxation Committee, were read the second time at length and filed for third reading.

[H 405](#), by Local Government Committee, was read the second time at length and filed for third reading.

[H 373](#), [S 1268](#), and [S 1294](#), by Health and Welfare Committee, were read the second time at length and filed for third reading.

[H 432](#), by Business Committee, was read the second time at length and filed for third reading.

[S 1264](#), [S 1314](#), and [S 1318](#), by Commerce and Human Resources Committee, were read the second time at length and filed for third reading.

[S 1311](#), by Transportation Committee, was read the second time at length and filed for third reading.

[H 374](#), [H 375](#), and [S 1281](#), by Health and Welfare Committee, were read the second time at length and filed for third reading.

President Little called President Pro Tempore Hill to the Chair.

The Senate advanced to the Thirteenth Order of Business.

## Third Reading of Bills

[SJR 101](#) was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Vick arose as sponsor of the resolution and opened the debate. The question being, "Shall the resolution be adopted?"

Pursuant to Senate Rule 39(H), President Pro Tempore Hill disclosed a possible conflict of interest under applicable law.

Roll call resulted as follows:

AYES—Anthon, Bair, Bayer, Brackett, Burgoyne, Davis, Den Hartog, Guthrie, Hagedorn, Harris, Heider, Hill, Johnson, Jordan, Keough, Lacey, Lakey, Lee, Lodge, Martin, McKenzie,

Mortimer, Nonini, Nuxoll, Patrick, Rice, Schmidt, Siddoway, Souza, Stennett, Thayn, Vick, Ward-Engelking, Winder. Total - 34.

NAYS—None.

Absent and excused—Buckner-Webb. Total - 1.

Total - 35.

More than two-thirds having voted in the affirmative, the President Pro Tempore declared [SJR 101](#) adopted, title was approved, and the resolution ordered transmitted to the House.

On request by Senator Davis, granted by unanimous consent, [S 1248](#) retained its place on the Third Reading Calendar.

On request by Senator Stennett, granted by unanimous consent, [S 1224](#) was referred to the Fourteenth Order of Business, General Calendar.

[S 1244](#) was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Siddoway arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Call of the Senate was requested by Senator Keough.

Whereupon the President ordered the doorkeepers to lock the doors permitting no Senator to leave the Senate Chamber. The Sergeant at Arms was instructed to find and present any absent members to the Senate.

Roll call showed all members present except Senators Buckner-Webb, McKenzie, and Thayn, absent and formally excused by the Chair; and Senators Brackett, Heider, Martin, and Rice, absent and excused.

The President directed the Sergeant at Arms to find and present Senators Brackett, Heider, Martin, and Rice to the Senate.

Senators Brackett, Heider, Martin, and Rice were recorded present.

On request by Senator Keough, granted by unanimous consent, the Call was lifted.

President Little returned to the Chair.

Pursuant to Senate Rule 39(H), Senators Guthrie and Nonini disclosed a possible conflict of interest under applicable law.

Roll call resulted as follows:

AYES—Anthon, Bair, Bayer, Brackett, Burgoyne, Davis, Den Hartog, Guthrie, Hagedorn, Harris, Heider, Hill, Johnson, Jordan, Keough, Lacey, Lakey, Lee, Lodge, Martin, Mortimer, Nonini, Nuxoll, Patrick, Rice, Schmidt, Siddoway, Souza, Stennett, Vick, Ward-Engelking, Winder. Total - 32.

NAYS—None.

Absent and excused—Buckner-Webb, McKenzie, Thayn. Total - 3.

Total - 35.

Whereupon the President declared [S 1244](#) passed, title was approved, and the bill ordered transmitted to the House.

[S 1214](#) was read the third time at length, section by section, and placed before the Senate for final consideration. Senator

Brackett arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES—Anthon, Bair, Bayer, Brackett, Burgoyne, Davis, Den Hartog, Guthrie, Hagedorn, Harris, Heider, Hill, Johnson, Jordan, Keough, Lacey, Lakey, Lee, Lodge, Martin, Mortimer, Nonini, Nuxoll, Patrick, Rice, Schmidt, Siddoway, Souza, Stennett, Vick, Ward-Engelking, Winder. Total - 32.

NAYS—None.

Absent and excused—Buckner-Webb, McKenzie, Thayn. Total - 3.

Total - 35.

Whereupon the President declared [S 1214](#) passed, title was approved, and the bill ordered transmitted to the House.

[S 1258](#) was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Siddoway arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES—Anthon, Bair, Bayer, Brackett, Burgoyne, Davis, Den Hartog, Guthrie, Harris, Heider, Hill, Johnson, Jordan, Keough, Lacey, Lakey, Lee, Lodge, Martin, Nonini, Nuxoll, Patrick, Rice, Schmidt, Siddoway, Souza, Stennett, Vick, Ward-Engelking, Winder. Total - 30.

NAYS—Hagedorn. Total - 1.

Absent and excused—Buckner-Webb, McKenzie, Mortimer, Thayn. Total - 4.

Total - 35.

Whereupon the President declared [S 1258](#) passed, title was approved, and the bill ordered transmitted to the House.

On request by Senator Davis, granted by unanimous consent, all Senate bills were placed at the head of the Third Reading Calendar, followed by House bills.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Fifteenth Order of Business.

#### **Miscellaneous Business**

On motion by Senator Davis, seconded by Senator Stennett, by voice vote, the Senate adjourned at 11:35 a.m. until the hour of 10:30 a.m., Monday, February 22, 2016.

BRAD LITTLE, President

Attest: JENNIFER NOVAK, Secretary